

REMARKS

Claims 1-27 are now pending in the application, with claims 1, 7, 11, 17, 21 and 22 being the independent claims. Reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for the indication that claims 7, 8, 17 and 18 recite allowable subject matter and would be allowed if rewritten into independent form. In response, Applicants have amended claims 7 and 17 to incorporate the subject matter of their former independent claims 1 and 11, respectively. Accordingly, all of claims 7, 8, 17 and 18 should now be allowable.

Applicants also thank the Examiner for the telephonic interview conducted with Applicants' attorney on December 11, 2006. In that interview, the Examiner and Applicants' attorney discussed the pending independent claims and the applied art, as summarized below.

In the Office Action, all previously pending claims (other than claims 7, 8, 17 and 18) were rejected under 35 USC § 103(a) over U.S. Patent 5,867,626 (Kawakami) in view of U.S. Patent Application Publication No. 2002/0057893 (Wood). Withdrawal of this rejection is respectfully requested for the following reasons.

Independent claims 1, 11, 21 and 22 concern systems, methods and techniques for audio/video playback using distributed storage. In operation, a first portion of an audio/video program is stored on a first audio/video player in a bank of networked audio/video players, and a second portion of the audio/video program is stored on a second audio/video player in the bank of networked audio/video players. In response to an input "play" instruction, the second portion of the audio/video program is transferred from the second audio/video player to the first audio video player, and the audio/video program is caused to be played on the first audio/video player.

As described in the Specification, such distributed storage can have a variety of advantages, e.g., in terms of load balancing, security, redundancy and backup protection. Moreover, the applied art does not disclose or suggest any such feature.

In this regard, Kawakami mainly discusses protocols for transferring data from one digital video recorder to another. Wood only appears to discuss conventional video recording and playback. Neither reference, either individually or in combination with the other, discloses the above-referenced distributed-storage approach in which, in response to an input play instruction with respect to a first audio video player, a portion of the audio/video program is transferred from the second audio/video player to the first audio video player, and the audio/video program is caused to be played on the first audio/video player.

These distinctions were discussed during the telephonic interview, and the Examiner suggested amending the claims to specify that the transfer occurs automatically in response to the input play instruction. In particular, the Examiner agreed that such an amendment would overcome the presently applied art.

Based on these discussions, independent claims 1, 11 and 21 have been amended above, as suggested by the Examiner. It is noted that support for this amendment can be implicitly found, e.g., in the embodiments described in the Specification at Figure 2, page 8 line 14 to page 9 line 14, and page 9 line 31 to page 10 line 2.

Based on this amendment, each of independent claims 1, 11, 21 and 22 should be allowable over the applied art.

The other rejected claims in this application depend from the independent claims discussed above, and are therefore believed to be allowable for at least the same reasons.

Because each dependent claim also defines an additional aspect of the invention, however, the individual reconsideration of each on its own merits is respectfully requested.

In order to sufficiently distinguish Applicant's invention from the applied art, the foregoing remarks emphasize several of the differences between the applied art and Applicant's invention. However, no attempt has been made to categorize each novel and unobvious difference. Applicant's invention comprises all of the elements and all of the interrelationships between those elements recited in the claims. It is believed that for each claim the combination of such elements and interrelationships is not disclosed, taught or suggested by the applied art. It is therefore believed that all claims in the application are fully in condition for allowance, and an indication to that effect is respectfully requested.

If there are any fees due in connection with the filing of this paper that have not been accounted for in this paper or the accompanying papers, please charge the fees to our Deposit Account No. 502490. If an extension of time under 37 C.F.R. 1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to our Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Dated: December 16, 2006

Respectfully submitted,
JOSEPH G. SWAN, P.C.

JOSEPH G. SWAN,
A PROFESSIONAL CORPORATION
1334 Parkview Avenue, Suite 100
Manhattan Beach, California 90266
Telephone: (310) 372-8624
Facsimile: (310) 356-3845

By /Joseph G. Swan/
Joseph G. Swan
Registration No. 41,338